

Appl. No : 10/081,027  
 Filed : February 21, 2002

### REMARKS

With this Amendment, Claims 1-23 are pending in the present application, Claims 1-15 and 17 are amended, and new claims 18-23 are added. Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments, and the following remarks.

#### Personal Interview Held October 29, 2003

Applicant would like to thank Examiners Sotomayor and Kathleen Christman for being available for a personal interview with Applicant's representative William B. Bunker on October 29, 2003. During the interview Mr. Bunker proposed amendments to Claims 1, 6 and 15, and Mr. Bunker demonstrated a prototype of a non-verbal communication system. Applicants substantially agree with the Examiner's Interview Summary, however Applicant submits that in addition to the Rallison et al. reference, the other prior art of record was also discussed.

The Examiners indicated that the proposed amendments would distinguish the claims over the prior art of record. Applicant respectfully submits that the proposed amendments are substantially presented above.

#### Amendments to the Drawings

The drawings have been formalized in accordance with the Notice of Draftperson's Patent Drawing Review (PTO-948) attached to the Office Action. The formalized drawings are provided in the replacement drawing sheets in the attached Appendix.

Applicant proposes the addition of Figure 5, which is a schematic flow chart illustration of one embodiment of a the non-verbal communication methods described in the above-identified application. Applicant respectfully submits that the ordinarily skilled artisan could have created the additional figure based on the disclosure as originally filed. Thus, Applicant submits that no new matter is being entered with the addition of Figure 5.

#### Anticipation under 35 U.S.C. § 102

Claims 1 and 3-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,991,085 to Rallison Et. al. Applicant respectfully submits that Claims 1 and 3-6 as amended above, recite unique combinations of limitations not taught or suggested by the prior art of record.

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Applicant notes that Rallison teaches a head-mounted personal visual display apparatus for presenting visual images to be seen only by a wearer. The apparatus of Rallison does not anticipate or render obvious Claims 1 and 3-6 as amended. Moreover, the apparatus of Rallison cannot be used as a communication device between two people, since the system is only configured to present images to the wearer of the display.

Obviousness under 35 U.S.C. § 103

Claims 2 and 7-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rallison et al. in combination with a number of other references. The Examiner suggests that a person having ordinary skill in the art would have found it obvious to combine Rallison with the other cited references in order to produce the claimed invention. Applicant respectfully disagrees, and submits that the claimed invention would not result from the suggested combinations, even if the combinations could properly be made.

In their presently amended form, the rejected claims recite various embodiments of communication devices and methods for facilitating non-verbal communication between two people. By contrast, the systems described in U.S. Patent No. 5,142,655 to Drumm and U.S. Patent No. 6,505,776 to Wilz, Sr. et al. are configured to allow users to interface with computer systems, and U.S. Patent No. 6,513,251 merely teaches a laser configured to be mounted to a gun sight. None of these systems of the prior art of record teaches or suggests systems for facilitating entirely non-verbal communication between two people.

Moreover, Applicant respectfully submits that a person having ordinary skill in the art would not have been motivated to combine the disparate teachings of the prior art of record in the manner suggested in the Office Action.

Thus, since the prior art of record does not teach or suggest the unique combinations of limitations recited in Claims 2 and 7-17 as amended, Applicant respectfully requests that the rejections of Claims 2 and 7-17 be withdrawn.

New Claims

Applicant has added new Claims 18-23 to more completely define the invention. Applicant respectfully submits that the prior art of record does not teach or suggest the unique combination of limitations recited in the new claims.

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### CONCLUSION

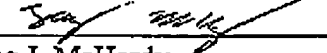
Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of all of the features or acts recited in a claim which distinguishes it over the prior art. Additionally, any argument made in support of patentability of a single claim is intended to refer only to the claim which is addressed in the argument, and should not be read as influencing the interpretation of any other claims or claim limitations.

In view of the foregoing, Applicant submits that the claims of the present application are in condition for allowance, and Applicant respectfully requests that the present application be passed to allowance at the earliest possible date. The undersigned has made a good faith effort to respond to all of the rejections and objections in the present application and to place the claims into condition for allowance. Nevertheless, if any issues remain which can be resolved by telephone, the Examiner is respectfully requested to call Applicant's representative at the number indicated below in order to resolve such issues promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR,  
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Dated: 10/30/03

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